

REMARKS

Claim 26 has been amended and a minor correction has been made in the Abstract.

Claims 9-26 remain in the application.

The English abstract in WO 98/28199 and the Preliminary Amendment filed on June 6, 2001, erroneously qualifies the composite film as being “for packaging food”, whereas the French abstract of WO 98/28199 correctly qualifies that film as being “de qualité alimentaire”, i.e. “of food quality”, which is totally different. The Abstract has been amended to correct this error.

Claim 26 was objected to under 37 CFR 1.75(c) as being in improper form. Claim 26 has been amended to overcome this objection.

Claims 9-10, 12, 14, 16-18, 20 and 22-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Dohrer (U.S. 5,085,927) in view of Regnier (U.S. 6,451,446); and claims 9-25 were rejected under 35 U.S.C.(a) as being unpatentable over Dohrer (U.S. 5,093,188) in view of Regnier (U.S. 6,451,446). These rejections are respectfully traversed.

Dohrer ('188) discloses a single-sided stretch wrap film having a multilayer A/B/C structure, wherein the two outside layers A and C may comprise LLDPE having a density 0.890-0.930 g/cm³ and 0.890-0.980 g/cm³, respectively, and the middle layer B is a thermoplastic film which may comprise a polyolefin such as polyethylene or a copolymer of ethylene and/or polypropylene and a minor amount of a C4-C12 mono-olefinic monomer such as buten-1 and isobutylene. For being suited for use as a single-sided stretch wrap film for overwrapping of packages and pallet loads, the film must meet the following requirements: (1)

exhibit a high tensile strength and improved minimum stretch capability, (2) be tear and puncture resistant and (3) have single-sided cling (see C1, lines 60-68).

Dohrer does not disclose the features of the middle layer of the invention as defined in claim 9.

The object of the invention is to find a multilayer composite film of food grade quality that is suitable for forming a valve for controlling the dispensing of a drink, which meets the requirements of presenting flexibility and elasticity properties such as to allow the passage that forms the valve to close in a sealed manner, and keeping those properties at the temperature of the liquid to be packaged, which may be as high as 80 or 90 °C (see translation of PCT/IB99/01930 from page 2, line 34 to page 3, line5).

Starting from Dohrer, there is no hint in the prior art, and in particular the references cited by the Examiner, as to the solution of the invention, namely providing a middle layer as defined in claim 9, in particular comprising 50-70 % of polypropylene having a density of 0.895-0.905 g/cm³ and a melt index is 0.75-0.85 g/10 min. Those properties of polypropylene are very important to achieve the flexibility properties required and keeping them at the temperature of the liquid to be packaged.

Regnier discloses a film useful for windows in envelopes with a multilayer A/B/A structure wherein the core B layer comprises at least 96% of a preferably isotactic homo-or copolymer of polypropylene having a density of from 0.895 to 0.910 and a melt index of from 0.5 to 10 g/10 min, and the outer A layers comprise 70 to 97 % of polystyrene, rubber modified polystyrene or a blend thereof and 3 to 30 % of polypropylene/polystyrene compatibilizer (see C3, lines 30-35, Tables 1-3 and Claim 1). For use as an envelope window, the film requires the properties of (a) bondability to the paper of the envelope using bonding agents conventional in

the industry and (b) transparency without glossiness so that the address is readable though the envelope by the postal sorting machines without impairment due to reflected light.

Regnier thus does not disclose the proportion of 50-70 % of polypropylene of the middle layer of the invention, nor the narrow range 0.75-.85 g/10min of the melt index of polypropylene.

Furthermore, in view of the different use of the multilayer film of Regnier (as a window in envelopes instead of as a single-sided stretch wrap film for overwrapping of packages and pallet loads), which, as set forth above, requires very different properties of the film, the skilled person would never have combined the teaching of Dohrer with that of Regnier. Those teachings are technically incompatible.

As apparent from Regnier as a whole, and in particular C3, lines 25-30, the cost advantage mentioned by the Examiner in fact only relates to the core layer of polypropylene being comparatively less expensive than the outer layers. It does not provide an incentive to the skilled person to combine the teachings of both references.

The invention of claim 9 is thus non obvious to the skilled person, and is believed to be patentable together with dependent claims 10-26.

Claim 26 was not rejected based on prior art, and is therefore believed to be allowable.

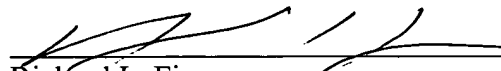
No additional claim fee is required by this Amendment.

In view of the above, it is believed that all remaining claims are now in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

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